

TITLE 327 WATER POLLUTION CONTROL BOARD

PROPOSED RULE AS PRELIMINARILY ADOPTED WITH IDEM'S SUGGESTED CHANGES INCORPORATED

LSA Document #02-327

DIGEST

Amends 327 IAC 5-1-1.5 and 327 IAC 15-3-2 and adds 327 IAC 15-14 concerning on-site residential sewage discharging disposal systems in Allen County. Effective 30 days after filing with the secretary of state.

HISTORY

Second Notice of Comment Period: #02-327(WPCB) December 1, 2002, Indiana Register (26 IR 885).

Notice of First Hearing: February 1, 2003, Indiana Register (26 IR 1593).

Date of First Hearing: March 12, 2003.

Third Notice of Comment Period and Notice of Second Hearing: June 1, 2003, Indiana Register (26 IR 3093).

Notice of Rescheduled Public Hearing: July 1, 2003, Indiana Register (26 IR 3366).

327 IAC 5-1-1.5

327 IAC 15-3-2

327 IAC 15-14

Bold underline text has been inserted since preliminary adoption

Underline strikeout text has been deleted since preliminary adoption

SECTION 1. 327 IAC 5-1-1.5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-1-1.5 Prohibitions

Authority: IC 13-11-2-99; IC 13-13-5-1; IC 13-22-2-3

Affected: IC 13-18-3

Sec. 1.5. **Except as provided in 327 IAC 15-14**, the point source discharge of sewage treated or untreated, from a dwelling or its associated residential sewage disposal system, to the waters of the state is prohibited. (*Water Pollution Control Board; 327 IAC 5-1-1.5; filed Nov 13, 1995, 5:00 p.m.: 19 IR 660; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 2. 327 IAC 15-3-2, PROPOSED TO BE AMENDED AT 26 IR 1616,
SECTION 6, IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-3-2 Content requirements of a NOI letter

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3

Affected: IC 13-11-2; IC 13-18-4

Sec. 2. **Except for permittees covered under 327 IAC 15-5 and 327 IAC 15-13 and as provided in 327 IAC 15-14-4**, the NOI letter shall include the following:

- (1) Name, mailing address, and location of the facility for which the notification is submitted.
- (2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.
- (3) The person's name, address, telephone number, **e-mail address (if available)**, ownership status, and status as federal, state, private, public, or other entity.
- (4) The latitude and longitude of the approximate center of the facility to the nearest fifteen (15) seconds, **or and, if the section, township, and range are provided**, the nearest quarter section (~~if the section, township, and range are provided~~) in which the facility is located.
- (5) The name of receiving water, or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.
- (6) A description of how the facility complies with the applicability requirements of the general permit rule.
- (7) Any additional NOI letter information required by the applicable general permit rule.
- (8) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).

(Water Pollution Control Board; 327 IAC 15-3-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 3. 327 IAC 15-14 IS ADDED TO READ AS FOLLOWS:

Rule 14. On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District

327 IAC 15-14-1 Purpose

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 1. The purpose of this rule is to establish requirements for point source discharges of treated sewage from on-site residential sewage discharging disposal systems within the Allen County on-site waste management district so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-14-1)*

327 IAC 15-14-2 Applicability

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 13-18-12-9

Sec. 2. This rule applies to on-site residential sewage discharging disposal systems located within the Allen County on-site waste management district that have been installed to repair or replace a sewage disposal system that fails to meet public health and environmental standards and for which an operating permit has been issued pursuant to IC 13-18-12-9. Such systems shall discharge one thousand (1,000) gallons or less per day of treated sanitary wastewater. *(Water Pollution Control Board; 327 IAC 15-14-2)*

327 IAC 15-14-3 Definitions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-11-2; IC 13-18-4; IC 36-11

Sec. 3. In addition to the definitions contained in IC 13-11-2, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

- (1) “CBOD₅” means Five (5)-day Carbonaceous Biochemical Oxygen Demand.
- (2) “Commissioner” means the commissioner of the department of environmental management.
- (3) “Department” means the department of environmental management.
- (4) “District” means the Allen County on-site waste management district established under IC 36-11.
- (5) “E. coli” means *Escherichia coli* bacteria.
- (6) “Notice of intent letter” or “NOI” means a written notification indicating a person’s intention to comply with the terms of a specified general permit rule in lieu of applying for an individual National Pollutant Discharge Elimination System (NPDES) permit and includes information as required by 327 IAC 15-3 and the general permit rules.
- (7) “On-site residential sewage discharging disposal system” means a sewage disposal system that:
 - (A) is located on a site with and serves a one (1) or two (2) family residence; and
 - (B) discharges effluent off-site.
- (8) “Permittee” means, for purposes of this rule, the owner of an on-site residential sewage discharging disposal system and the district, as defined in subdivision (3).
- (9) “Sewage disposal system” means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:
 - (A) store;
 - (B) treat;
 - (C) make inoffensive; or
 - (D) dispose of;human excrement or liquid carrying wastes of a domestic nature.
- (10) “TSS” means total suspended solids.

(Water Pollution Control Board; 327 IAC 15-14-3)

327 IAC 15-14-4 NOI letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4; IC 13-18-12-9; IC 13-18-20-12

Sec. 4. (a) **Except as provided in subsection (f),** the owner of property upon which an on-site residential sewage discharging disposal system subject to this rule is located shall submit to the district a request for inclusion into the district and coverage under this rule. The request shall include the following:

- (1) Name and address of the owner and location of the property for which the request is submitted, if different than the mailing address.

(2) A copy of the operating permit issued by the local health department with jurisdiction over the system as provided in section 7 of this rule, pursuant to IC 13-18-12-9(d).

(3) A statement that the person named under subdivision (1) wishes to be covered by this rule.

(4) Signature of the person named under subdivision (1).

(b) If an on-site residential sewage discharging disposal system serves more than one (1) home, each homeowner served by the system shall submit the information required in subsection (a).

(c) If there is a change of ownership of the property upon which an on-site residential sewage discharging disposal system is located, the following must be accomplished in accordance with any applicable district requirements:

(1) The seller of the property shall submit:

(A) a notice to the district reporting the change in property ownership; and

(B) a written statement to the buyer of the property explaining the obligations, including the requirements of this rule, of owning an on-site residential sewage discharging disposal system.

(2) The buyer of the property shall submit to the district a statement requesting to remain subject to coverage under this rule.

(d) The district shall submit a NOI letter to the following address:

Indiana Department of Environmental Management

Office of Water Quality

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

Attention: Permits Section

(e) The NOI letter shall include the following:

(1) Names and mailing addresses of all persons requesting inclusion in the district.

(2) Map indicating the following:

(A) The location of each on-site residential sewage discharging disposal system within the district.

(B) The location of any pond or lake within two (2) miles downstream of any on-site residential sewage discharging disposal system within the district.

(3) Names of the receiving streams into which the on-site residential sewage discharging disposal systems will discharge.

(4) A statement that the district and the persons listed under this subsection intend to be covered by this rule.

(5) The application fee required under IC 13-18-20-12.

(f) For an on-site residential sewage discharging disposal system installed at a residence that was constructed after July 1, 2002, because of failure of the original on-site non-discharging sewage disposal system, the following additional requirements apply:

(1) The owner of the system shall submit all information required under this section

to both the district and IDEM, including a copy of the operating permit issued by the local health department, prior to discharge from the system.

(2) The owner shall also submit to IDEM a system failure report, on a form provided by the department, that summarizes:

(A) the known reasons for failure of the system; and

(B) other technologies for repair or options for managing the on-site waste that were considered by the local health department prior to issuing an operating permit.

(3) The owner may not discharge from the system until receiving approval from the department. If the department does not approve the operation within fifteen (15) days of receipt of the NOI information, the system is approved for purposes of this rule.

(f) (g) The NOI letter must be signed by the head of the governing body of the district. (*Water Pollution Control Board; 327 IAC 15-14-4*)

327 IAC 15-14-5 Deadline for submission of a NOI letter and update requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4

Sec. 5. (a) Any person requesting inclusion in the district and coverage under this rule shall submit the request for inclusion to the district within thirty (30) days of receipt of the operating permit issued by the local health department. **However, a person described in section 4(f) of this rule shall submit the NOI information required under section 4 of this rule to the district and IDEM at least fifteen (15) days prior to discharging.**

(b) The district shall submit the NOI letter to the department within ninety (90) days of the effective date of this rule.

(c) The district shall provide written updates to the department every three (3) months after submission of the initial NOI letter. The updates shall include the following:

(1) Updated list of names and mailing addresses of district members, including the following:

(A) Additional persons included in the district and requesting coverage under this rule since the last update.

(B) Changes in ownership of any systems, including the names of the new and former owners.

(2) Updated map containing the most recent information required under section 4(e)(2) of this rule.

(d) The update required by subsection (c) must be signed by the head of the governing body of the district. (*Water Pollution Control Board; 327 IAC 15-14-5*)

327 IAC 15-14-6 General permit rule boundary

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4

Sec. 6. On-site residential sewage discharging disposal systems located within the boundaries of the Allen County on-site waste management district are regulated under this rule. (*Water Pollution Control Board; 327 IAC 15-14-6*)

327 IAC 15-14-7 General requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4; IC 13-18-12-9

Sec. 7. (a) The point source discharge of treated sewage from an on-site residential sewage discharging disposal system is prohibited unless:

- (1) the local health department with jurisdiction over the system has issued an operating permit for the system as provided under IC 13-18-12-9(d); and**
- (2) all applicable requirements of this article and 327 IAC 5 have been met.**

(b) Coverage commences under this rule according to the following:

- (1) Upon receipt by the department of the initial NOI letter for discharges from an on-site residential sewage discharging disposal system included in the NOI letter.**
- (2) Upon receipt by the district of the request for inclusion and coverage under section 4 of this rule for owners of an on-site residential sewage discharging disposal system installed after the district sends the initial NOI letter to the department.**
- (3) For a person described in section 4(f) of this rule, coverage commences upon approval by the department or fifteen (15) days after the department receives all information required under section 4 of this rule.**

(*Water Pollution Control Board; 327 IAC 15-14-7*)

327 IAC 15-14-8 Discharge limits and monitoring and reporting requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4

Sec. 8. (a) Under this rule, The permittee must meet the discharge and monitoring requirements listed in Table 1 and this section as follows:

Table 1

The discharge shall be limited and monitored by the permittee as specified as follows:

<u>Parameter</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Units</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Effluent flow	–	–	GPD	1 X Monthly	24-Hr. Total [1]
Temperature	Report	Report	°C	2 X Annually	Grab
CBOD ₅	15	–	mg/l	2 X Annually	Grab
TSS	18	–	mg/l	2 X Annually	Grab
Ammonia-nitrogen	2	–	mg/l	2 X Annually	Grab
pH	9.0	6.0	s.u.	2 X Annually	Grab
Dissolved Oxygen [2]				2 X Annually	Grab
Winter [3]	–	5.0	mg/l		
Summer [4]	–	[5]	mg/l		
E. coli	235	–	colonies/100m l	1 X Monthly Quarterly	Grab
Total residual chlorine [6]					
Contact tank	–	0.5	mg/l	1 X Monthly	Grab

Final <0.06 – mg/l 1 X Monthly Quarterly Grab

[1] Flows may be estimated.

[2] Dissolved oxygen must be monitored once during the winter monitoring period, and once during the summer monitoring period.

[3] Winter limitations apply from December 1 through April 30 of each year.

[4] Summer limitations apply from May 1 through November 30 of each year.

[5] During the summer monitoring period, the dissolved oxygen concentration shall not be less than fifty percent (50%) of saturation as determined by Table 2 as follows:

Table 2

No one (1) sample shall be less than 4.0 mg/l.

Temp. °C	18.0	18.5	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5	25.0	25.5	26.0
D.O. mg/l	4.70	4.65	4.60	4.55	4.51	4.46	4.42	4.37	4.33	4.29	4.25	4.21	4.16	4.12	4.09	4.05	4.012
	3	4	6	9	3	7	2	8	5	3	1	0	9	9	0	1	

[6] If chlorine is used as a disinfectant, the residual prior to dechlorination shall be maintained at a minimum of 0.5 mg/l at all times. Dechlorination is required such that the concentration of residual chlorine does not exceed the limit of quantification of 0.06 mg/l.

(b) Samples and measurements required by this rule shall:

- (1) be representative of the volume and nature of the monitored discharge flow;
- (2) be taken at times that reflect the full range of effluent parameters normally expected to be present;
- (3) be taken more than four (4) months apart at times that represent seasonal variability unless otherwise approved by the commissioner;
- (4) not be taken at times or in a manner to avoid showing elevated levels of any parameter; and
- (5) be analyzed by a laboratory using approved methods.

(c) The owner of an on-site residential sewage discharging disposal system shall visually inspect the system at least one (1) time each month and complete a visual inspection form provided by the department. Completed visual inspection forms shall be maintained by the owner of the system and made available for inspection by the district or IDEM. If the person inspecting the system discovers any problem in the operation or maintenance of the system, the person shall contact the district immediately.

(c) (d) Except as provided in subsection (h), the analytical results of monitoring required by this rule shall be reported as follows:

- (1) The homeowner shall submit to the district the required analytical results on or before the twenty-eighth day of the month following the month in which the samples were collected.
- (2) The district shall submit to the department on a semi-annual basis the sampling results for all of the on-site residential sewage discharging disposal systems that are

regulated under this rule.

(3) Monitoring results shall be submitted to the department on forms provided by the department.

~~(d)~~ (e) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters, including the mixing zone, to contain substances (for example, foam), materials, floating debris, oil, scum, or other pollutants that:

- (1) will settle to form putrescent or otherwise objectionable deposits;
- (2) are in amounts sufficient to be unsightly or deleterious;
- (3) produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- (4) are in amounts sufficient to be acutely toxic to or otherwise severely injure or kill aquatic life, other animals, plants, or humans; or
- (5) are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

~~(e)~~ (f) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters outside the mixing zone to contain substances in concentrations that on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

~~(f)~~ (g) The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit. **,including such** **The commissioner may require** accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

(h) If the results of any compliance monitoring show an exceedance of an effluent limitation under this section, a confirmation test must be conducted for each exceeded limitation no later than thirty (30) days from the date that the original sample was taken. Results of the confirmation sampling must be submitted to the district as soon as received but in no case later than seven (7) days after receipt of the sampling results. A confirmation test must be conducted every thirty (30) days until the effluent limitation is met.

(i) If two (2) consecutive sampling results, including the confirmation samples required under subsection (h), exceed an effluent limitation, the district must submit a corrective action plan to the department within thirty (30) days of receipt of results of the second sample. The plan shall include information on corrective action taken to ensure compliance with each exceeded limitation and a plan to ensure future compliance with the limitation. *(Water Pollution Control Board; 327 IAC 15-14-8)*

327 IAC 15-14-9 Standard conditions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 9. (a) In addition to the conditions set forth in this rule, the standard conditions for a NPDES permit under 327 IAC 5 and the standard conditions for a NPDES general permit under this article apply to this rule.

(b) The district shall maintain the following records within the district office and make them available for inspection pursuant to section 10 of this rule:

(1) Monitoring reports required under section 8 of this rule for each system within the district.

(2) A copy of the operating permit issued by the local health department for each system within the district.

(3) Signed requests for inclusion in the district and coverage under this rule for each system within the district.

(Water Pollution Control Board; 327 IAC 15-14-9)

327 IAC 15-14-10 Inspection and enforcement

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-14-10; IC 13-15-7; IC 13-18-3; IC 13-18-4; IC 13-30; IC 36-11-2-1; IC 36-11-5

Sec. 10. (a) The owner of an on-site residential sewage discharging disposal system shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter upon the premises where an on-site residential sewage discharging disposal system is located to determine compliance with this rule and state water quality standards.

(b) The district shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter the district office and have access to and copy any records that must be kept under the conditions of this rule, in accordance with 327 IAC 15-4-1(l).

(c) The conditions of this rule are subject to enforcement pursuant to 327 IAC 15-4-1 and IC 13-30. *(Water Pollution Control Board; 327 IAC 15-14-10)*

327 IAC 15-14-11 Duration and renewal of coverage

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2

Affected: IC 13-18-4

Sec. 11. (a) Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences according to section 7(b) of this rule.

(b) To obtain renewal of coverage under this general permit rule, the district shall submit the information required under section 4 of this rule to the commissioner no later than ninety (90) days prior to the expiration of coverage under this rule unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-14-11)*